

DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

HEALTHQUEST, LLC d/b/a CARIBBEAN)
KIDNEY CENTER,)

Plaintiff,)

v.)

DAVITA HEALTHCARE PARTNERS, INC.,)
SCHNEIDER REGIONAL MEDICAL CENTER,)
HOSPITALS AND HEALTH FACILITIES CORP.,)
GOVERNMENT OF THE VIRGIN ISLANDS)
DEPARTMENT OF HEALTH, ST. THOMAS)
DISTRICT GOVERNING BOARD, DR. BERNARD)
WHEATLEY, COMMISSIONER DARICE)
PLASKETT, JOHN DOES 1-10,)

Defendants.)

Civil No. 2014-24

ATTORNEYS:

Bruce Darwin Spencer, Esq.

Sanford, Amerling & Associates
Christiansted, VI

For Healthquest, LLC, d/b/a Caribbean Kidney Center,

Carol Ann Rich, Esq.

Dudley Rich Davis LLP
St. Thomas, VI

For DaVita Healthcare Partners, Inc.,

Karl R. Percell, Esq.

Law Offices of Percell & Hermon
St. Thomas, VI

For Schneider Regional Medical Center,

Aquannette Y. Chinnery, Esq.

Virgin Islands Department of Justice
St. Thomas, VI

*For the Government of the Virgin Islands Department of
Health and Commissioner Darice Plaskett.*

ORDER

GÓMEZ, J.

Before the Court is the motion of the plaintiff, Healthquest, LLC, d/b/a Caribbean Kidney Center ("Caribbean Kidney Center") for a Temporary Restraining Order.

The Court may grant a temporary restraining order only if the petitioner shows: (1) a reasonable probability of success on the merits; (2) irreparable injury will occur to the movant if relief is not granted; (3) less harm will result to the non-movant if the relief is granted than to the movant if the relief is not granted; and (4) the public interest, if any, weighs in favor of the movant. *Bieros v. Nicola*, F. Supp. 455 (E.D. Pa. 1994) (noting that the standards for issuing a temporary restraining order are identical to those for the issuance of a preliminary injunction); *see also Civil Liberties Union of N.J. v. Black Horse Pike Reg. Bd. of Educ.*, 84 F.3d 1471 (3d Cir. 1996) (stating the requirements for obtaining a preliminary injunction).

The premises considered, it is hereby

ORDERED that the motion for a temporary restraining order is **DENIED**.

S\ _____
Curtis V. Gómez
District Judge